

MINUTES OF A MEETING OF
THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON APRIL 22, 1999

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session, Thursday, April 22, 1999, at 7:30 p.m.

Roll Call: Present: Wayne Billinger
Troy Hickman
Howard Rome
Sharon Leikam
Jayne Clarke

Mayor Billinger declared that a quorum was present and called the meeting to order.

2. SWEARING IN CEREMONY: City Clerk Carol Sue Berger administered the oath of office to newly elected Commissioners Henry Schwaller IV, Larry Schmidt, and Howard Rome.

3. REORGANIZATION OF GOVERNING BODY: Troy Hickman moved, Howard Rome seconded, that Wayne Billinger be elected to continue as Mayor of the City of Hays.

Vote: Ayes: Wayne Billinger
Troy Hickman
Henry Schwaller IV
Larry Schmidt
Howard Rome

Howard Rome moved, Wayne Billinger seconded, that Troy Hickman be elected to serve as Vice-Mayor.

Vote: Ayes: Wayne Billinger
Troy Hickman
Henry Schwaller IV
Larry Schmidt

Howard Rome

Mayor Billinger stated the resignation of Commissioner Phelps in 1996 created a vacancy in the mayoral position. The plan at that time was that the mayoral term would be split between the next three people assuming the mayoral position, with each Mayor serving a 16-month term instead of one year. This will put the mayoral position back to the normal one year rotation schedule.

4. MINUTES: Troy Hickman moved, Howard Rome seconded, that the minutes of the April 8, 1999, regular session, be approved.

Vote: Ayes: Wayne Billinger

Troy Hickman

Henry Schwaller IV

Larry Schmidt

Howard Rome

5. FINANCIAL STATEMENT: City Manager Hannes Zacharias reported sales tax figures for February 1999 are down approximately \$50,000 from last year. After conferring with the State Sales Tax Division, it was learned sales tax figures were down for the entire state. The reporting period was shorter than last year.

Troy Hickman moved, Howard Rome seconded, that the Financial Statement for the month of March 1999 be approved.

Vote: Ayes: Wayne Billinger

Troy Hickman

Henry Schwaller IV

Larry Schmidt

Howard Rome

6. CITIZEN COMMENTS: Sharon Leikam thanked City staff, her fellow Commissioners, the citizenry, her family and friends for all of the help she has received during her tenure as a City Commissioner.

Mayor Billinger spoke of the many accomplishments during the tenure of Sharon Leikam and Jayne Clarke and thanked them for their service. The Mayor presented them with plaques.

Glenn Staab, 3328 Lincoln Drive, representing Representative Eber Phelps, congratulated the new Commissioners, and commended the outgoing Commissioners, and presented a certificate from the House of Representatives honoring Sharon Leikam for her three terms on the Commission.

7. COMMISSION INFORMATIONAL MEMORANDUM: City Manager Zacharias and the Commission set May 6th, 6:00 p.m. as the date for a special Capital Improvement Plan study session.

8. CONSENT ITEMS: Troy Hickman moved, Henry Schwaller IV seconded, that the following consent items be approved:

- A. A Cereal Malt Beverage License be issued to “Between Innings Concessions”, Frank Stramel Softball Complex.
- B. Authorize the City Manager to sign a letter of support for a Housing Rental Assistance Grant with Development Services of Northwest Kansas.

Vote: Ayes: Wayne Billinger

Troy Hickman

Henry Schwaller IV

Larry Schmidt

Howard Rome

- C. Howard Rome moved, Larry Schmidt seconded, that Henry Schwaller IV, be appointed to serve as a non-voting ex-officio member of the Housing Task Force.

Vote: Ayes: Wayne Billinger

Troy Hickman

Henry Schwaller IV

Larry Schmidt

Howard Rome

9. GOLF COURSE TOURNAMENT FEE WAIVER: Tonia Werner, Team Captain for Relay for Life, sponsored by the American Cancer Society, asked the Commission to waive the \$400 rental fee for the use of the Fort Hays State Municipal Golf Course on June 14th, 1999.

City staff recommended this request be denied. A tournament denies play to those individuals who have bought a membership and reduces revenue from green fees that could be collected during this time of play.

Howard Rome moved, Troy Hickman seconded, that the request from Relay for Life to waive the \$400 rental fee be denied.

Vote: Ayes: Wayne Billinger

Troy Hickman

Henry Schwaller IV

Howard Rome

No: Larry Schmidt

10. COMPREHENSIVE PLAN UPDATE: Kent Laas, Community Development Coordinator, recapped proposed changes to the Comprehensive Plan. A review of the Plan is required annually to insure that it continues to reflect the development goal and objectives established in 1994. Proposed changes are first reviewed by the Planning Commission, then submitted to the City and County Commissions for approval and inclusion into the Plan.

Four items were considered in the 1999 review. A plat of the area near Commerce Parkway and Interstate 70 has been submitted which, if approved, will lend itself more to commercial uses than the “Business Park” zoning suggested by the current Plan. With the completion of Commerce Parkway and the expansion of Hays Medical Center, it is speculated that 22nd Street between Canterbury Drive and Commerce Parkway will attract certain service-oriented businesses to that area.

The Planning Commission recommended eliminating 25th Street east of Canterbury as a future collector street, due to the future development of 22nd Street east of Canterbury. Forty-eighth Street between Hall and Highway 183 and Willow Street from I-70 to 55th Street were recommended to be collector streets.

It is also the recommendation of the Planning Commission to redefine the three mile area surrounding the City along section and half section lines instead of defining it by arc distances from outlying points of the City limits.

Mr. Laas stated if the City and County Commissions agree to these proposed changes, a public hearing must be held to allow for public input.

Troy Hickman moved, Howard Rome seconded, that the proposed amendments to the Comprehensive Plan as proposed by the Hays/Ellis County Planning Commission, be approved.

Vote: Ayes: Wayne Billinger

Troy Hickman

Henry Schwaller IV

Larry Schmidt

Howard Rome

11. STORM WATER MASTER PLAN UPDATE: Representatives of Burns and McDonnell Engineers, Matt Hock and Sheila Shockey, reported on the current status of the Hays Storm Water Master Plan. Phase I of the Plan is to prioritize capital improvements, make recommendations regarding financing, and revise drainage policies and criteria. Phase I should be completed by September 2000.

Field surveys and investigations necessary to prepare computerized maps of the watersheds and perform hydrologic analysis have begun and should be completed by the end of May. A Storm Water questionnaire has been distributed to residents and is being evaluated. Information about the planning process is being communicated to citizens through the media, the city newsletter and press conferences. A phone hotline has been set up for citizens to call with questions or to provide input into the Plan.

Burns and McDonnell recommend a Storm Water Advisory Committee be created. The Committee will be composed of City selected citizens and City officials who will work together to develop a set of recommendations included in the final Master Plan. This Committee would help educate and provide information to the public, as well as listen to their concerns.

Commissioner Schwaller suggested the town meeting format be conducted in several areas of town that are affected by flooding, rather than empower a committee.

Ms. Shockey replied it is important to get the committee impaneled first so they can attend the town meetings and listen to the public concerns.

Mayor Billinger asked if the cost of supporting a Storm Water Utility would decrease once the initial start up costs and improvements are made.

Mr. Hock stated there is not usually a decrease in fees because of the cost of capital improvements along with operation and maintenance requirements. Ms. Shockey stated that typically the fees are not very high; General Obligation or Revenue Bonds could be issued along with charging a fee. This would spread the cost at an even level over a period of time, rather than high at the beginning, then dropping the fee once the bonds are paid.

Commissioner Schwaller asked when the last storm water study was completed. City Manager Zacharias stated the Corp of Engineers did a study in 1992, and approximately 25 years ago, discussion was held about the installation of a pipeline along 27th Street east. Big Creek has also been studied several times since the 1950's'. Commissioner Rome remembered Corp of Engineer markings along Chetolah Creek in the 1970's.

Commissioner Schwaller asked what this information tells us. City Manager Zacharias stated this information tells us there are specific problems in the City. We are trying to focus on not redoing what has already been looked at.

Howard Rome moved, Troy Hickman seconded, that a Storm Water Advisory Committee be established to assist in the development of a Storm Water Master Plan.

Vote: Ayes: Wayne Billinger

Troy Hickman

Larry Schmidt

Howard Rome

No: Henry Schwaller IV

12. EMERGENCY OPERATIONS REVIEW: Fire and Inspection Services Director Wayne Schwartz reported on emergency procedures handled by the Emergency Operations Center. The coordinator of the EOC is empowered by the County Commission and the Mayors of towns in Ellis County to direct and

control all emergency management activities in Ellis County and its cities. Mr. Schwartz explained the response structure from the lowest level of government up to the federal level.

City Manager Zacharias stated staff routinely goes through training and meets on an as needed basis to update the plan. The function of the Commission is relatively small; the Mayor has a role in declaring disasters. The City Manager or his assistant is the person who attends the Emergency Operations Command Center during a crisis. The City Manager keeps the Commission informed during the incident. There is space in the pressroom in the Law Enforcement Center if a Commissioner would feel the need to be there.

13. ADA CURB CUT BIDS: Bids were received from the following for 359 ADA curb cuts and four alternates:

Allied Construction	\$255,692.30
Hays, Kansas	
J Corporation	263,158.40
Hays, Kansas	
Bryant & Bryant Constr.	285,171.75
Halstead, Kansas	

The amount projected in the 1999 Capital Improvement Plan, to be bonded, is \$352,000. The original project did not include Alternate No. 4, repair to brick streets. At the direction of the Commission, bids were received for brick repair on portions of 8th Street, in the first blocks both east and west of Main Street. The total projected project expenditure including the low bid for construction and engineering costs is \$302,692.30. This includes the brick street repair. This is \$49,307.70 less than the planned amount for the project.

Due to the fact that the City received such a good bid on the curb cuts, the Director of Public Works recommended the remaining \$49,307.70 be spent on approximately 60 additional curb cuts. This could be included in a change order for future consideration.

Commissioner Hickman stated he is more inclined to spend the funds allotted for Alternate No.4, brick street repair, for more curb cuts. He believes 8th Street should be repaired correctly and is opposed to doing patch work.

Mayor Billinger stated he is in favor of Alternate No. 4. This would repair some of the worst damage on 8th Street.

Henry Schwaller IV moved, Troy Hickman seconded, that the bid from Allied, Inc., Hays, Kansas, in the amount of \$234,545.42, for the Base Bid, plus Alternate Nos. 1, 2, & 3, be accepted, and Alternate No. 4 (brick repair) be considered separately at a later date.

Vote: Ayes: Troy Hickman
Henry Schwaller IV
Larry Schmidt
No: Wayne Billinger
Howard Rome

14. ELEVATOR BIDS: Bids received for the Water Plant freight elevator were over the Engineer's estimate. Contractors and suppliers are very busy at this time of the year, which translate into higher costs. Staff recommended the bids be rejected and the project be rebid in the fall.

Troy Hickman moved, Howard Rome seconded, that the bids for the Water Plant freight elevator be rejected.

Vote: Ayes: Wayne Billinger
Troy Hickman
Henry Schwaller IV
Larry Schmidt
Howard Rome

15. COMPUTER BIDS: Bids for three laptop computers and accessories for the Hays Police Department Detective Division were received from the following:

Dell Computers	\$10,822.35
System Solutions	11,406.75

Ken Kuhn, Information System Coordinator, and Hays Police Captain Jim Purdy recommended the bid from Dell Computers be accepted. The computers from Dell far exceed the minimum requirements, in addition to being the low bid.

Commissioner Schwaller asked if it was important to consider buying locally. Commissioner Hickman said buying locally was important, but it is also important to spend taxpayer's money wisely by accepting the low bid. Mr. Kuhn stated the City buys local whenever possible.

Commissioner Schwaller asked if there is any variance for buying locally. City Manager Zacharias stated it is the general policy to look for the best value; if all things are equal, the low bid is accepted. Commissioner Schwaller stated he feels it is important to buy locally, not only for the sales tax, but also in terms of employment.

City Attorney John Bird stated some cities have policies with a variance factor for in town vendors. This variance factor would need to be included in the specification document prior to receiving bids.

Troy Hickman moved, Howard Rome seconded, that the bid from Dell Computers for the purchase of three laptop computers for the Hays Police Department Detective Division, in the amount of \$10,822.35, be accepted.

Vote: Ayes: Wayne Billinger

Troy Hickman

Larry Schmidt

Howard Rome

No: Henry Schwaller IV

16. LEASE PURCHASE AGREEMENT: Howard Rome moved, Troy Hickman seconded, that Ordinance No. 3463, being an ordinance authorizing the City of Hays, Kansas to enter into an equipment lease purchase agreement, and the Mayor be authorized to a sign said agreement, subject to Bond Counsel approval, with Sunflower Bank to finance the purchase of the Convention and Visitors Bureau trolley, be approved.

Vote: Ayes: Wayne Billinger

Troy Hickman
Howard Rome
No: Henry Schwaller IV
Larry Schmidt

17. LAND PURCHASE REQUEST: Rick Sturdy addressed the Commission regarding the purchase of Lots 8 & 9, Block 1, Hays Plaza 7th Addition.

City Manager Zacharias recommended the Commission deny this request and all future requests to sell this property. This land could be used as a negotiating tool for a land swap for other city activities.

Commissioner Hickman stated he felt the City should get the property appraised and consider accepting bids.

Commissioner Schmidt asked if this land is sold, would the money be banked. City Manager Zacharias stated the funds could be put in a reserve account for future land purchases.

Troy Hickman moved, Henry Schwaller IV seconded, that the proposal from Rick Sturdy to purchase Lots 8 & 9, Block 1, Hays Plaza 7th Addition, be denied.

Vote: Ayes: Wayne Billinger
Troy Hickman
Henry Schwaller IV
Larry Schmidt
Howard Rome

The consensus of the Commission was to solicit bids for the appraisal of the property and to explore whether any possible money realized from the sale of the property could be placed in a reserve account.

18. PROPERTY MAINTENANCE VIOLATIONS: There were no property maintenance nuisances.

19. EXECUTIVE SESSION: Troy Hickman moved, Henry Schwaller IV seconded, that the Commission recess to executive session for 20 minutes at 10:20 p.m., to discuss the purchase of real estate. Included in the executive

session will be the City Commissioners, the City Attorney, the City Manager, and the Airport Manager.

Vote: Ayes: Wayne Billinger
Troy Hickman
Henry Schwaller IV
Larry Schmidt
Howard Rome

Mayor Billinger called the meeting back to order at 10:40 p.m., and stated that no action was taken in executive session.

20. ADD-ON ITEMS: There were no add-on items.

Thereupon the Governing Body adjourned.

Submitted by: _____

Clerk of the Board